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HOUSE BILL 2432

By Brown

AN ACT to amend Tennessee Code Annotated, Title 49, relative to public education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-1-207, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The commissioner of education may authorize up to sixteen (16) school systems, or any parts thereof, to operate as alternative education programs which emphasize school-based decision making. Upon authorization of the local board of education, the superintendent on behalf of the school system or the principal on behalf of an individual public school may apply to the commissioner to operate the system or school in accordance with an alternative plan approved under this section by the commissioner. The commissioner, subject to approval by the state board of education, may award grants to individual school systems of up to seventy-five thousand dollars (\$75,000) for local education agencies for planning and implementation purposes. The principal may be authorized by such principal's performance contract to develop such a plan. Prior to application, the principal shall consult with such principal's faculty. Subject

to the implementation and funding of the relevant federal program, additional individual schools which emphasize school-based decision making may be approved.

(b) Such schools and systems should be distributed throughout the state and not concentrated in any grand division. The commissioner may approve the entire alternative plan or any part of it.

(c)

(1) The commissioner, in the commissioner's discretion, is authorized to waive any rules and regulations necessary to accommodate the implementation of a local plan. In exercising such discretion, the commissioner shall consider whether the proposed waiver will improve the educational opportunities and performance of the subject students by the application of nonconventional curriculum and operational methods in innovative school programs developed by the use of local initiative and decision making.

(2) In these alternative programs, the commissioner may waive certain rules and regulations including, but not limited to, regulations relative to reporting requirements and premium pay for educators, without giving rise to any contractual right to such pay.

(3) The commissioner of education shall only be authorized to waive regulations relative to health and safety after consultation with either the commissioner of health or the state fire marshal, or both, as appropriate. The commissioner of health or the state fire marshal, as appropriate, must determine that the proposed waiver does not constitute a threat to the health and safety of students and staff and must notify the commissioner of education in writing of such determination.

(d) No local plan approved by the commissioner of education shall reduce the level of state funding to a local education agency under this title.

(e) At any time before the end of an approved alternative plan, the school principal on behalf of such principal's school or the local board of education acting through the superintendent may elect to terminate the alternative program and to return to operation under all applicable rules and regulations. The principal or the superintendent shall provide thirty (30) days' notice to the commissioner of such intent to withdraw from the alternative program.

(f) A local school board shall comply with provisions of title 8, chapter 44, when it considers any alternative plan under this section.

SECTION 2. This act shall take effect July 1, 2002, the public welfare requiring it.